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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,837	01/12/2004	Michael John Burkhardt	AUS920030965US1	9839
34533 7590 07/09/2008 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469				
EXAMINER				
KUMAR, ANIL N				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

### Office Action Summary

**Application No.**

10/755,837

**Applicant(s)**

BURKHART ET AL.

**Examiner**

ANIL N. KUMAR

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-7,11-13,17-19,23-25,29-31,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,11-13,17-19,23-25,29-31,35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed on March 26th, 2008. Claims 1, 5-7, 11-13, 17-19, 23-25, 29-31 and 35-36 continue to be pending and have been considered below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. ("Gordon", US 2004/0044635 A1) in view of Lortz (US 6505243 B1).

Claim 1: Gordon discloses a computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising;

- receiving, in a display apparatus (monitor 147 in Fig. 1), a plurality of help messages created in a plurality of devices (goal of the present invention is to provide a help architecture 40 that facilitates providing help from one or more local and/or remote help libraries 42 based on the current overall context of the application 10, paragraphs [0075-0078] and Fig. 6), wherein a help

message includes an importance rating that identifies an importance of the help message (A context message 14 from a component 12 may contain keywords only, attributes only, or some combination of the two. As will be explained in more detail below, the keywords in a context message 14 are employed to locate help topics, and the attributes in a context message are employed to filter and prioritize –importance rating- the located topics, paragraph [0032]);

- prioritizing one of the plurality of help messages comprising selecting a help message in dependence upon a importance rating included in the help message (the sorted list 22 may then be displayed to the user of the application 10 ... to be perused by the user -and selected-, paragraph [0070])
- retrieving, in dependence upon the prioritized help message, a help resource (the help engine 16 retrieves help topics 18 from one or more help libraries 20, evaluates and prioritizes the retrieved topics 18, paragraph [0036]);
- and displaying, with the display apparatus, the help resource (display sorted list 22 to user of application 10 in list display area 26 – 319, paragraph [0070] and Fig. 3).

but does not explicitly teach,

- and a device identification that identifies a device that created the help message;
- wherein the value of the importance rating is dependent upon the status of the device .

However, Lortz teach, an invention that provides device-specific help information (Abstract) and further teach, an inspection of the device's name, device id, or other characteristics (column 6 lines 51-61) and if a timer device were being installed, its operative status might be delayed (column 5 lines 57-61). It would have been obvious to an artisan at the time of this invention to combine the method of including device identification and status information into the help message, as taught by Lortz, with Gordon's suggestion, the keywords and attributes in a context message 14 from a component 12 may vary based on the current context of the component 12 (paragraph 31), in order to provide user access to device information in the help message, as the user may want messages specific to components/devices.

Claims 5: Lortz further teach, notifying at least one of the plurality of devices that the display apparatus is busy (A connection notification is received for the network-attachable device –a busy notification is part of network protocol-column 1 lines 57-63)

Claim 6 is similar in scope to claim 5, and therefore rejected under similar rationale. Note that creating and notification of connection specific information by a device, is a well known network protocol.

Claim 7 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Lortz teach, a network-attachable device such as services gateway (column 1 lines 57-64).

Claim 11 is similar in scope to claim 5, and therefore rejected under similar rationale.

Claim 12 is similar in scope to claim 6, and therefore rejected under similar rationale.

Claim 13 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Gordon teach, a computer system (Fig. 1).

Claims 17 is similar in scope to combination of claim 5 and claim 13, and therefore rejected under similar rationale.

Claims 18 is similar in scope to combination of claim 6 and claim 13, and therefore rejected under similar rationale.

Claims 19 is similar in scope to combination of claim 7 and claim 13, and therefore rejected under similar rationale.

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Claims 23 is similar in scope to combination of claim 5 and claim 19, and therefore rejected under similar rationale.

Claims 24 is similar in scope to combination of claim 6 and claim 19, and therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Gordon teach, a recording medium (reading from or writing to a removable optical disk 131 such as a CD-ROM, paragraph [0021]).

Claims 29 is similar in scope to combination of claim 5 and claim 25, and therefore rejected under similar rationale.

Claims 30 is similar in scope to combination of claim 6 and claim 25, and therefore rejected under similar rationale.

Claims 31 is similar in scope to combination of claim 7 and claim 25, and therefore rejected under similar rationale.

Claims 35 is similar in scope to combination of claim 5 and claim 31, and therefore rejected under similar rationale.

Claims 36 is similar in scope to combination of claim 6 and claim 31, and therefore rejected under similar rationale.

***Response to Arguments***

4. Applicant's arguments filed on March 26th, 2008 have been fully considered but they were found not persuasive.

- A. Applicant argues, for Claim 1, "Lortz, at the cited reference point and all other points in Lortz, however, does not disclose help messages as claimed in the present application because Lortz does not disclose help messages that include an importance rating and a device identification". The Examiner agrees, but maintains the rejection and points out it is moot in view of new rejection.
- B. Applicant argues, for Claim 1, "neither Lortz nor Gordon teaches or suggests an importance rating included in the help message wherein the value of the importance rating is dependent upon the status of the device". The Examiner disagrees, and maintains the rejection and points out it is moot in view of new rejection.



- C. Applicant argues, for Claim 1, "The Office Action Does Not Examine Applicants' Claims Pursuant To Graham". The Examiner disagrees, and maintains that a prima facie of obviousness has been established in the rejection and directs the applicant to see the claim rejection for details. Furthermore, the applicant is invited to clearly substantiate the allegations of lack of prima facie case with clear examples, instead of generalization, so the examiner can take the argument under further consideration.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art

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